

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DALMATIA IMPORT GROUP, INC. and	:	
MAIA MAGEE,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 16-2767
	:	
v.	:	
	:	
FOODMATCH, INC., LANCASTER FINE	:	
FOODS, INC., EARTH PRIDE ORGANICS,	:	
LLC, C.O. NOLT, INC., and MICHAEL S.	:	
THOMPSON,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 12th day of October, 2017, the remaining parties to this action having reached an agreement to fully settle this matter; accordingly, in furtherance of the terms agreed to by the remaining parties, it is hereby **ORDERED** as follows:

1. The defendants, Lancaster Fine Foods, Inc. (“Lancaster”) and Earth Pride Organics, LLC (“Earth Pride”), are hereby enjoined, effective immediately, subject to further order of the court, from producing, selling, or shipping any fig product with the exception of: (a) one (1) truck load of fig spread to be shipped to Foodmatch, Inc. (“Foodmatch”) within thirty-six (36) hours of the entry of this order; and (b) producing, selling, or shipping fig product to existing customer Turner Foods, not to exceed three (3) truck loads per year and in accordance with the current business arrangement;

2. The parties shall formally memorialize the settlement in such manner as they deem appropriate and shall submit to the court an agreed proposed order clarifying the terms of the injunctive relief granted above, including the time period(s) of the injunction(s), and the process for verifying compliance with the injunction;

3. Dalmatia Import Group, Inc.'s ("Dalmatia") motion for judgment as a matter of law on its trademark infringement and counterfeiting claim against Michael S. Thompson (Doc. No. 335) is **GRANTED**, and final judgment is hereby entered against the defendant, Michael S. Thompson, in the amount of One Million Two Hundred Thousand Dollars (\$1,200,000);

4. In accordance with the court's May 3, 2017 judgment (Doc. No. 321), final judgment is hereby entered against the defendant, C.O. Nolt, Inc., in the amount of One Million Two Hundred Seventy-Five Thousand Dollars (\$1,275,000);

5. Maia Magee's motion for judgment as a matter of law on Lancaster's trespass claim (Doc. No. 337) is **GRANTED**, and final judgment is hereby entered in favor of Maia Magee on this counterclaim;

6. Counsel for Lancaster and Earth Pride shall proceed expeditiously to obtain any necessary approvals by the bankruptcy court to effectuate the terms of the settlement agreement;

7. The settlement agreement having resolved the legal issues raised in the outstanding motions pending in this case; accordingly, except as provided in the settlement agreement and this order, the following motions are **DENIED AS MOOT**: Dalmatia's motion for attorneys' fees (Doc. No. 324), Dalmatia's motion for permanent injunction on its trade secret claims against Lancaster and Earth Pride (Doc. No. 330), Dalmatia's motion for judgment as a matter of law and permanent injunction on its claim against Lancaster and Earth Pride for breach of the Beanies supply agreement's non-competition clause (Doc. No. 333), Dalmatia's motion for judgment as a matter of law on its civil conspiracy claim against all defendants (Doc. No. 334), and Dalmatia's motion for judgment as a matter of law on its unfair competition claim against all defendants (Doc. No. 336);

8. The court incorporates the terms of the settlement agreement, including those not set forth in this order, as an order of this court, and the settlement agreement shall be enforceable as such. The court retains continuing jurisdiction to enforce the terms of the settlement agreement; and

9. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.